

Assembly Bill No. 874

Passed the Assembly August 29, 2006

Chief Clerk of the Assembly

Passed the Senate August 24, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, Wolk. Avian influenza wildlife surveillance.

Existing law creates the Fish and Game Commission in the Resources Agency, and provides for the regulation by the Department of Fish and Game of the taking of various bird species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.

This bill would enact the Avian Influenza Wildlife Surveillance Act to require the Resources Agency, in consultation with the department, the Department of Food and Agriculture, the State Department of Health Services, the Office of Emergency Services, and the University of California, to develop and implement a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state. The bill would require the Secretary of the Resources Agency to establish the Avian Influenza Working Group, composed of specified members and chaired by the Director of Fish and Game, to assist in the development of the plan. The bill would require the director, on or before October 1, 2006, to submit a status report, and on or before July 1, 2007, to compile and submit an updated report, on the development and implementation of an avian influenza detection and response plan for wild birds. The bill would require these reports to be submitted to the Legislature, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the Chair of the Senate Committee on Natural Resources and Water.

The bill would make an appropriation by requiring that up to \$1,088,000 be available, from specified funds appropriated from the General Fund to the department by the Budget Act of 2006, to implement the provisions of the bill and to carry out other

authorized activities relating to the implementation of plans to detect and respond to avian influenza in the state's wild birds.

The bill would make legislative findings and declarations relating to avian influenza. The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 3860) is added to Part 2 of Division 4 of the Fish and Game Code, to read:

CHAPTER 5. AVIAN INFLUENZA WILDLIFE SURVEILLANCE ACT

3860. This chapter shall be known, and may be cited, as the Avian Influenza Wildlife Surveillance Act.

3861. The Legislature finds and declares all of the following:

(a) Avian influenza and other emerging diseases of wildlife are a serious threat to the people of California.

(b) California is home to large populations of migratory birds and other wildlife species.

(c) California is a central part of the Pacific Flyway, and a seasonal home to species of birds that migrate to and from Asia, Central America, South America, and other regions.

(d) Surveillance of wild birds and animals across the state is a key element among efforts to prevent avian influenza and other emerging wildlife diseases from harming the people and the natural resources of the state.

(e) In the interest of public health, the state shall support a surveillance program for avian influenza in wild bird and animal populations.

3862. The Resources Agency, in consultation with the department, the Department of Food and Agriculture, the State Department of Health Services, the Office of Emergency Services, and the University of California, shall develop and implement a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state. The Resources Agency shall consult with the United States Fish and Wildlife Service and the United

States Department of Food and Agriculture in developing the plan.

3863. (a) The Secretary of the Resources Agency shall formally establish the Avian Influenza Working Group to assist in the development of the plan described in Section 3862. The Avian Influenza Working Group shall utilize, as guidance for early detection, the national protocol that has been developed to guide states in developing state-specific plans, known as the Early Detection System for Asian H5N1 Highly Pathogenic Avian Influenza in Wild Migratory Birds. The Avian Influenza Working Group shall also continue, enhance, and facilitate the work already begun by the department, other state departments, and the University of California, to coordinate communication of information and response plans for highly pathogenic avian influenza in wild birds.

(b) The Avian Influenza Working Group shall be composed of all of the following members:

- (1) The Secretary of the Resources Agency, or a designee.
- (2) The director, or a designee.
- (3) The Secretary of Food and Agriculture, or a designee.
- (4) The Director of Health Services, or a designee.
- (5) The Director of the Office of Emergency Services, or a designee.
- (6) One representative appointed by the Regents of the University of California.
- (7) Two representatives from a qualified research organization or other qualified nongovernmental organization appointed by the Secretary of the Resources Agency.

(c) The director shall chair the Avian Influenza Working Group.

(d) A majority of the Avian Influenza Working Group shall constitute a quorum for the transaction of business.

(e) The duties of the Avian Influenza Working Group shall include all of the following:

- (1) Developing strategies for the detection of, and response to, the avian influenza virus in wild birds in California.
- (2) Fostering communication among state and federal agencies regarding the avian influenza surveillance program.
- (3) Developing strategies for public outreach and education.

(f) The Avian Influenza Working Group may consult with other public and nonprofit groups potentially affected by avian influenza in wild birds.

3864. On or before October 1, 2006, the director shall submit a status report, and on or before July 1, 2007, the director shall compile and submit an updated report, on the development and implementation of an avian influenza detection and response plan for wild birds in the state. These reports shall be submitted to the Legislature, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the Chair of the Senate Committee on Natural Resources and Water.

SEC. 2. Of the funds appropriated from the General Fund to the Department of Fish and Game in Item number 3600-001-0001 of the Budget Act of 2006, up to one million eighty-eight thousand dollars (\$1,088,000) shall be available to implement Chapter 5 (commencing with Section 3860) of Part 2 of Division 4 of the Fish and Game Code and to carry out other authorized activities relating to the implementation of plans to detect and respond to avian influenza in the state's wild birds.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to rapidly implement avian influenza early detection surveillance activities and enhance California's preparedness for and response to the threat of highly pathogenic H5N1 avian influenza, it is necessary that this act take effect immediately.

Approved _____, 2006

Governor